



PUBLIC NOTICE

Federal Communications Commission
445 12th Street N.W.
Washington, D.C. 20554

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DA - 00-275

86-285

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: February 14, 2000

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

ACME Television, LLC. - Request for refund of application fee for Acme Television, LLC at. **Denied.** (November 18, 1999)

Aerial Communications, Inc. - Request for waiver and deferment of FY 1999 regulatory fees for Aerial Communications, Inc. at Chicago, IL. **Denied and granted respectively.** (December 9, 1999) [See Implementation of Section 9 of the Communication Act, 10 FCC Rcd 12759, 12762 (1995); See also, Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).]

ARDIS Company - Request for refund and waiver or reduction of late charge penalty payment of FY 1998 regulatory fees for ARDIS Company at Lincolnshire, IL. **Denied.** (November 18, 1999)

Bisbee Mountain Translator Association - Request for deferment and waiver of the FY 1998 regulatory fees on KO8HY, K10GJ, and K131Q at Colville, WA. **Granted.** (December 7, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, 16, released June 22, 1995.]

BK Radio - Request for refund of application fee for BK Radio at Wake Village, TX. **Granted.** (September 16, 1999) [See Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957 (1998); see also 47 C.F.R. 1.1113(a)(4).]

Bonneville Holding Company - Request for permanent reduction of regulatory fee for KCSG-TV at Cedar City, UT. **Denied.** (December 17, 1999) [See Implementation of Section 9 Communications Act, 9 FCC Rcd 5333, 5345 (1994).]

Booth American Company - Request for reconsideration dated September 15, 1998 for Booth American Company at Detroit, MI. **Denied.** (July 15, 1999) [See Implementation of Section 9 of the Communications Act—Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 5333, 5351-52 (1994); See also 47 C.F.R. 1.1106(7).]

Brunson Communications - Request for waiver or refund of regulatory fee. **Dismissed.** (December 7, 1999)

Cellular Unreserved Areas - Request for refund of application fees for Cellular Unreserved Areas at Los Angeles, CA and Minneapolis, MN. **Denied.** (December 20, 1999.) [See Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947,949 (1987).]

Citizens Communications - Request for waiver of the late penalties for certain FY 1996 and 1997 regulatory fees for Citizen Communications at Dallas, TX. **Denied.** (June 22, 1999) [See 47 U.S.C. 159 (c) (1).]

Colorado Communications, Corp. - Request for reduction of FY 1998 regulatory fee for KBNO at Denver, CO. **Dismissed.** (April 20, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995); see also 10 FCC Rcd at 12761-2762.]

Columbia Communications, Corp. - Request for payment of interest on portion regulatory fees refunded for FY 1994 through FY 1998. **Denied.** (November 18, 1999) [See 47 U.S.C. 159.]

Costa de Oro Television, Inc. - Request for refund filing fee for KSTV-TV at Ventura, CA. **Granted.** (July 13, 1999) [See 47 C.F.R. Section 1.1104(h) and 1.1113 (a)(1).]

Dietz, Lester J. - Request for waiver of the regulatory fee for Lester J. Dietz at North Mendocino County, CA. **Denied.** (August 10, 1999) [See Implementation of Section 9 of Communications Act, 10 FCC Rcd 12759, 12762 16 (1995).]

Estate of Quinton W. Goode. - Request for waiver of filing fee. **Denied.** (July 15, 1999) [See 47 C.F.R. 1.1115 (c) (d), 1.1113 and 1.1117 (a); See also Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).]

First Greenville Corporation - Request for waiver and refund of the FY 1994, 1995, 1996, 1997, and 1998 regulatory fee for KGVJ and KIKT-FM at Greenville, TX. **FY 1994-1997 were Dismissed. FY 1998 was Granted.** (December 7, 1999) [See 47 C.F.R. 1.1166(c). See also, Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Florida Media Broadcasters, Inc. - Request for waiver of FY 1998 regulatory fee for WNTD at Daytona, FL. **Dismissed.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Garden Valley Telephone Company - Request for a refund of the FY 1994 and 1995 regulatory fee for Garden Valley Telephone Company at Erskine, MN. **Granted.** (September 13, 1999)

Giannettino, John - Request for waiver of FY 1997 regulatory fee for KCPS-AM at Burlington, IA. **Denied.** (September 16, 1999) [See Report and Order In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1997, MD Doc

No. 96-186, 12 FCC Rcd. 17161 (1997).]

Hancock Broadcasting - Request for defer payment of the FY 1997 regulatory fees for WSBL at Bay St. Louis, MS. **Denied.** (May 14, 1999)

Happy Broadcasting Company - Request for waiver of regulatory fee for WPWC at Dumfries, VA. **Denied.** (December 1, 1999) [See 47 C.F.R. 1.1164 and 1.1166.]

Happy Broadcasting Company - Request for waiver of the FY 1997 regulatory fee for WPWC at Dumfries, VA. **Dismiss.** (May 11, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Heartland Communications - Request for refund of the application fee for a new FM Radio Station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

I-Link Communications, Inc. - Request for extension of time of the FY 1998 regulatory fees for I-Link Communications, Inc at Phoenix, AZ. **Denied.** (June 22, 1999.) [See 47 U.S.C. 159 (c)(1).]

Jasas Broadcasting, 27, LP - Request for reduction and partial refund of the FY 1996, 1997, and 1998 regulatory fees for WUNI at Worcester, MA. **Denied.** (May 14, 1999)

Jones College - Request for waiver of the late penalty payment of the FY 1998 regulatory fees for WKTZ and WJAX at Jacksonville, FL. **Denied.** (December 17, 1999)

KCCB - Request for waiver of FY 1998 regulatory fees for KCCB at Corning, AR. **Granted.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257 15 released June 25, 1995.]

KCLJ-TV - Request for waiver of the late penalty payment for FY 1998 regulatory fee for KCLJ-TV at Neosha, MO. **Granted.** (May 4, 1999)

KGVY - Request for refund of the FY 1998 regulatory fee for KGVY at Green Valley, AZ. **Granted.** (December 7, 1999)

King Broadcasting - Request for reduction and partial refund of the FY 1994, 1995 and reduction of FY 1997 regulatory fees for KBIM at Rosewell, NM. **Granted.** (June 22, 1999)

KJOP-AM - Request for waiver of the FY 1998 regulatory fee for KJOP-AM at Leemore, CA. **Dismiss.** (May 4, 1999)

KMFG-FM - Request for reduction of waiver of FY 1998 regulatory fee for KMFG-FM at Nashwauk, MN. **Denied.** (May 4, 1999)

KRZI and KEYR - Request for waiver of the FY 1997 regulatory fees for KRZI and KEYR at Waco, TX. **Denied.** (December 10, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

KTC Broadcasting, Inc. - Request for partial refund of the FY 1997 regulatory fees for WGNC at Gastonia, NC. **Denied.** (April 20, 1999)

L M Communications, Inc. - Request for waiver of late penalty for FY 1998 regulatory fees for WYBB-FM, WNST-FM, WLXG-AM, and WGKS-FM at Charleston, SC. **Granted.** (November 18, 1999)

L M Communications, Inc. - Request for waiver of late penalty for FY 1998 regulatory fees for WYBB-FM, WNST-FM, WLXG-AM, and WGKS-FM at Charleston, SC. **Denied.** (April 20, 1999) [See 47 U.S.C. 159 (c) (1).]

Lampasas Radio. - Request for waiver of FY 1997 regulatory fees for KCYL-AM at Lampasas, TX and for the construction permit for KACQ-FM at Lomata, TX, and for an associated Radio auxiliary Station. **Denied.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995), 12764 (1995).]

Las Raices Pepinianas, Inc. - Request for a deferment and reduction of the FY 1997 regulatory fees for WLRP-AM at San Sebastian, PR. **Dismissed.** (June 22, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also 10 FCC Rcd at 12761-2762.]

Lonerock Television Company - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. **Denied.** (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).]

Long Family Partnership - Request for waiver of the FY 1998 regulatory fees for Lonerock Television Company at Condon, OR. **Denied.** (November 18, 1999) [See Implementation of Section 9 of the Communication Act, 9 FCC Rcd 5333, 5345 (1994).]

Mark Media, Inc. - Request for a reduction and partial refund of FY 1997 regulatory fee for WKYK at Burnsville, NC. **Denied.** (April 20, 1999)

Middleton Radio - Request for refund of application fee for a new FM radio station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

Migala Communications, Inc. - Request for waiver of FY 1997 and FY 1998 regulatory fee for WCEV at Cicero, IL. **Denied.** (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 (1994), 10 FCC Rcd 12759, 12764 (1995). See also, 47 C.F.R. Section 73.21.]

Mountain Valley Media, Inc - Request for a reduction and partial refund of the FY 1997 regulatory fees for WTOE at Spruce Pine, NC. **Denied.** (August 10, 1999)

Multimedia, Inc. - Request for refund of the FY 1998 regulatory fee for KNAZ-TV at Flagstaff, AZ. **Granted.** (July 15, 1999)

New Age General Partners - Request for refund of the filing fee filed by Romulus Engineering. **Granted.** (June 15, 1999) [See 47 C.F.R. Section 1.1113 (a)(4); Establishment of a Fee Collection Program to Implement the Provision of the Consolidated Omnibus Reconciliation Act 1985, 2 FCC Rcd 947, 950 (1987), reconsidered in part, 3 FCC Rcd 5987, 5988 (1988); see also Amendment of the Commission's Rules Regarding Multiple Address System, 13 FCC Rcd 17954 (1998); Refund of Application Fees for 932-932.5/941-941.5 MHZ Multiple Address System Applications, (October 1, 1998) (WESTLAW library)(Public Notice).]

Northeast Radio, Inc. - Request for waiver of FY 1998 regulatory fee for AM Radio Station WCAP, Lowell, MA. **Denied.** (October 26, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). See also, 10 FCC Rcd at 12761-2762.]

Orbital Communication Corporation, Inc. - Request for reduction of the FY 1998 regulatory fees. **Denied.** (June 22, 1999) [See Assessment and Collection of Regulatory Fees for Fiscal Year 1997, FCC 97-215 ¶¶ 73-75 (June 26, 1997); see also 47 C.F.R. 1.1164 (c) and (d).]

PanAmSat Licensee Corp. - Request for waiver of application fee for PAS-10 Ka-band and waiver of the application fee for PAS-12 C/Ku band satellites. **Denied.** Request for waiver of application fee for PAS-21, a hybrid

C/Ku band satellite that will be collocated with PAS-6 at 68.5 E.L. **Denied.** Request for refund of eight of eleven GSO satellites. **Denied.** Request for refund of three of eleven GSO satellites. **Granted.** (July 15, 1999)

Paxson Decatur License, Inc. - Request for refund of the FY 1998 regulatory fees for WPXU (TV) **Denied.** (July 15, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 (1995), the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. 1.1162(c); See also 47 C.F.R. 1.1162(c) (1) and (2).]

Phillips Broadcasting Co. Inc. - Request for refund of the filing fee submitted with application for extension of Construction Permit. **Denied.** (November 18, 1999) [See The Report and Order ("Streamlining of Mass Media Applications, Rules, and Processes"), MM Docket No. 98-43, FCC 98-281 (Released Nov 25, 1998).]

Ponce Broadcasting Corp. - Request for waiver or reduction of FY 1998 regulatory fees for Puerto Rican Radio Stations, WZAR-FM, WLEO-AM, WKFE-AM, WLEY-AM, and WZUR-AM. **Denied.** (September 16, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Pro-Radio, Inc. - Request for waiver of FY 1997 regulatory fee for WFAD-AM and WMNM-FM at Middlebury, VT. **Granted.** (October 19, 1999.) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762, Section 14 (1995).]

Reading Broadcasting, Inc. - Request for reduction of FY 1998 regulatory fee for WTVE at Reading, PA. **Granted.** (May 4, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Skytel Corp. - Request for waiver of "per call sign" fee. **Denied.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Rcd 6957, 6970 (1994) (the Commission applied the analysis of the Section 8 (d)(2) standard to its discussion of the Section 9(d) waiver). See In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, 5 FCC Rcd 3558, 3574 (1990). See also Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Reconciliation Act of 1985, 2 FCC Rcd 961 (1987).]

Socorro Satellite Systems - Request for partial waiver of the FY 1998 regulatory fees. **Denied.** (December 17, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

Stevens, Robert M. - Request for refund of the application fees for a new FM station at Brookville, PA. **Granted.** (July 15, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. § 1.1113(a)(4).]

Stevens, Robert M. - Request for refund of the application fees for a new FM station at Barnesboro, PA. **Granted.** (July 21, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957(1998); see also 47 C.F.R. § 1.1113(a)(4).]

Television Properties, Inc. - Request for partial waiver of the FY 1998 regulatory fees for WHCP-TV at Portsmouth, OH. **Denied.** (May 14, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

TelQuest Satellite Services, LLC - Request for fee determination in connection with its application to deploy multiple technically identical receive-only earth stations. **Determined.** (July 6, 1999) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act 1985. 2 FCC Rcd 947, 948, and 961 (1987); see Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States. IB Docket 96-11 (Released May 14, 1996) (¶ 80); see also 47 C.F.R. 1.1117 and 1.107 (6)(a). Section 0.231(a) of the Commission's rules.]

TSR Wireless, LLC. - Request for refund of filing fee for call sign KNKB250. **Granted.** (December 20, 1999)

Turnpike Television - Request for refund of a filing fee submitted in connection with its applications for special temporary authority for W28AS at Wheeling, WV. **Granted.** (July 15, 1999). [See Establishment of a Fee Collection Program. 2 FCC Rcd 947, 949 (1987), recon. Denied, 3 FCC Rcd 5987 (1988); see also, 47 C.F.R. 1.1113(a).]

United Broadcasting Enterprise, Inc. - Request for partial refund of the FY 1997 regulatory fees for WISE at Asheville, NC and WTZQ at Hendersonville, NC. **Denied.** (April 20, 1999)

V.I. Stereo Communications Corp. - Request for waiver of FY 1998 regulatory fees for WVIS at Christiansted, St. Croix, U.S.V.I. **Dismissed.** (July 13, 1999) [See 10 FCC Rcd at 12761-2762.]

Wade Communications, Inc. - Request for refund of the application fee for a new FM radio station. **Denied.** (November 18, 1999) [See First Report and Order in the Matter of Implementation of Section 309(j) of the Communications Act, 13 FCC Rcd. 15920 (1998) (First Report and Order).]

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE CREDIT & DEBT MANAGEMENT CENTER AT (202) 418-1995

Wagonwheel Communications Corp. - Request for refund of FY 1998 regulatory fee for a FM radio station 960925MD, Green River, WY. **Granted.** (October 19, 1999)

WCNET, Inc. - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. **Denied.** (November 18, 1999)

WCNR 930 AM - Request for waiver and refund of FY 1998 regulatory fee. **Denied.** (October 26, 1999)

WCRK-AM - Request for a waiver of the late charge penalty payment of the FY 1998 regulatory fee. **Denied.** (November 18, 1999)

Western Community TV - Request for reduction, waiver and refund in reference to rebate of regulatory fee. **Dismissed.** (November 18, 1999) [See 47 C.F.R. 1.1166 and 1.1167. See also 47 U.S.C.]

White Mountain Communications - Request for waiver of filing all regulatory fees for a White Mountain Communication at Roswell, NM. **Dismissed.** (July 13, 1999) [See Implementation of Section 9 of the Communications Act, 10 FCC 12762 paragraph 14 (1995).]

Whitehall Broadcasting Company - Request for waiver of the late chare penalty payment of the FY 1998 regulatory fee on WAAM-AM at Ann Arbor, MI. **Denied.** (November 18, 1999)

Winnett Community TV System - Request for exemption of regulatory fees for Winnett Community TV System at Winnett, MT. **Granted.** (July 13, 1999) [See Section 1.1162(b).]

WIZK - Request for waiver of FY 1998 regulatory fees for WIZKAM at Bay Springs, MS. **Granted.** (September 16, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, (1995).]

WMEI - Request for waiver of FY 1998 regulatory fees for WMEI television station at Arecibo, PR. **Denied.** (August 10, 1999) [See Financial Qualifications Standards, 72 FCC 2d 784 (1979).]

Young Broadcasting of Lansing - Request for waiver of late charge penalty payment of the FY 1998 regulatory fees for WLNS at Lansing, MI **Denied.** (November 18, 1999)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
NOV 18 1999

CREDIT & DEBIT MANAGEMENT
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OFFICE OF
MANAGING DIRECTOR

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88 285

Hal McCombs, Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street
Washington, D.C. 20037-1526

RE: Request for Refund of Application Fee
ACME Television, LLC
File No. BPCDT981007KE
Fee Control No. 9511288195327001


Dear Mr. McCombs:

This is in response to the request for refund of the application fee paid by ACME Television, LLC (ACME). You request that the Commission refund a portion of the \$3,245.00 paid to the Commission by ACME on October 7, 1998, arguing that it was an overpayment. You state that the amount paid was the amount of the fee for an application for a new station, but that ACME should only have paid the fee for a minor modification of a construction permit.

A review of the Commission's records does not indicate that you are correct. Check number 2771, drawn in the amount of \$3245.00 and dated September 22, 1998, was received by the Commission on October 7, 1998, along with ACME's application for a DTV construction permit, also dated September 22, 1998. Check number 165014, drawn in the amount of \$745.00 and dated November 17, 1998, was submitted to the Commission with ACME's application for a minor modification to that construction permit. The payments submitted to the Commission by ACME were appropriate and do not appear to include any overpayment. Therefore, your request is denied.

If you have any questions concerning this letter, please call the Credit & Debt Management Center at 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

98/0088/65378001

BcB Copy

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 833-7025

E-Mail Address: McCombsH@dsmo.com

December 22, 1998

BY COURIER

Office of Managing Director
Federal Communications Commission
Mass Media Applications
1919 M Street, NW, Room 852
Washington, DC 20554

RECEIVED

DEC 23 1998

COMMUNICATIONS DIVISION

Re: ACME Television, LLC
Refund Request for Overpayment of Fee

ACME Television, LLC ("ACME") by their attorneys and pursuant to FCC Rule 1.1113, hereby request a refund of a portion of the fee that was paid to the FCC on October 7, 198 (see attached). The fee paid was incorrectly calculated to reflect an application for a new station when in fact the correct fee should have been based on a minor modification of construction permit. Instead of paying \$3,245.00 for an application for a new station, ACME should have paid \$725.00. Therefore, we request that you issue a refund check to Dickstein Shapiro Morin & Oshinsky LLP in the amount of \$2,520.00.

Please contact the undersigned directly if there are any questions concerning this matter.

Sincerely yours,

Hal McCombs / by CTM

Hal McCombs

1177 Avenue of the Americas • 41st Floor • New York, New York 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

<http://www.dsmo.com>

FOR
 FCC
 USE
 ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
 FILE NO.

Section I - GENERAL INFORMATION

RECEIVED

DEC 23 1998

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

1. APPLICANT NAME (Last, First, Middle Initial)

ACME Television Licenses of Oregon, LLC

MAILING ADDRESS (Line 1) (Maximum 35 characters)

c/o Lewis J. Paper, Dickstein et al

MAILING ADDRESS (Line 2) (Maximum 35 characters)

2101 L Street NW

CITY

Washington

STATE OR COUNTRY (if foreign address)

DC

ZIP CODE

20037

TELEPHONE NUMBER (include area code)

(202) 828-2265

CALL LETTERS

KWBP-TV

OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
M V T		\$ 3245	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	
		\$	FOR FCC USE ONLY

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1)
 THROUGH (2), AND ENTER THE TOTAL HERE.
 THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED
 REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION
\$ 3,245

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1 - GENERAL INFORMATION (Page 2)

3. This application is for: (check one box)

☐ AM

☐ FM

☒ TV

(b) Channel No. or Frequency
Digital Channel 33

(b) Principal Community	City	State
	Salem	OR

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign:

☐ MINOR change in licensed facilities; call sign:

☐ MAJOR modification of construction permit; call sign:

File No. of construction permit; call sign:

☐ MINOR modification of construction permit; call sign:

File No. of construction permit; call sign:

☐ AMENDMENT to pending application: Application File Number:

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes

☒ No

If Yes, state:

Call letters	Community of License	
	City	State

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees?

☒ Yes

☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A). On file with the Commission.

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

☒ Yes

☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes

☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of person contacted: Lee Wood

Telephone No. (include area code): (503) 464-0664

Person contacted (check one box below):

☐ Owner

☒ Owner's Agent

☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes

☐ No

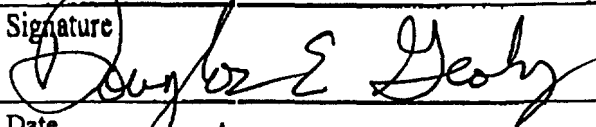
The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name Douglas Gealy	Signature 
Title President, ACME Television, LLC	Date 10/6/98
Typed or Printed Name of Person Signing Douglas Gealy	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Payment Transactions Detail Report

Date: 3/9/99

BY: FEE CONTROL NUMBER

Fee Control
Number

Payor
Name

Fcc Account
Number

Payer
TIN

Received
Date

9810088165378001

ACME TELEVISION LLC

FCC2062013

10/07/98

2101 EAST 4TH STREET

SUITE 202

SANTA ANA

CA

92705

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$3,245.00	\$3,245.00	1	MVT	1	KWBPTV	ACME TELEVISION LICENSES OF OR	97005		\$3,245.00	1	PMT
Total	1								\$3,245.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
CREDIT & DEBIT MANAGEMENT
CENTER, OMD

OFFICE OF
MANAGING DIRECTOR

DEC 09 1999

DOCKET FILE COPY ORIGINAL

86-285

Latrice Kirkland, Esq.
Head of Industry Relations
Aerial Communications, Inc.
8410 West Bryn Mawr, Suite 1100
Chicago, Illinois 60631

RE: Request for Waiver of Regulatory Fees
Aerial Communications, Inc.
Fee Control No. 00000CDMC-99-002

Dear Ms. Kirkland:

This is in response to the Petition to Waive and Defer Regulatory Fees for Fiscal Year (FY) 1999, filed on behalf of Aerial Communications, Inc. (Aerial). You request that we waive the regulatory fee for FY 1999 based on financial hardship and filed supporting documentation with your request. You also request that we defer the regulatory fee until disposition of the waiver request. You further request that the Petition to Waive and Defer Regulatory Fees and the information submitted with it be treated as confidential and not made routinely available for public inspection. Your request for confidentiality was granted by William W. Kunz, Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau, by letter dated October 14, 1999.

The Commission has held that to establish financial hardship, the regulatee must fully document its financial position and show that it lacks sufficient funds to pay the regulatory fee and maintain service to the public. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money that is considered to be available to pay the regulatory fee. You argue that the deductions for amortization and depreciation taken by Aerial and the payments to principals made by Aerial are immaterial and should not be considered available to pay the regulatory fees. To the extent that the regulatee found that it had sufficient funds to make payments to principals, the Commission will find that it had sufficient funds to pay regulatory fees. Therefore, your request for waiver is denied.

You also request deferment of the regulatory fee until disposition of the waiver request. The Commission has held that the timely filing of a deferment request will toll the

Latrice Kirkland, Esq.

2.

requirement to pay the regulatory fee until disposition of the request. *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5345 (1994). Thus, your request for deferment is granted. Aerial's regulatory fee obligation is deferred to thirty days from the date of this letter.

Payment in the amount of \$99,816.64 must be submitted together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. A late charge penalty of 25% will be assessed and due if the Commission does not receive full payment 30 days from the date of this letter. You are cautioned that failure to submit payment may result in further sanctions, including but not limited to, the initiating of a proceeding to recover the unpaid fee amount, late charge penalty, and interest pursuant to the provisions of the Debt Collection Act.

If you have any questions concerning this letter, please call the Credit & Debt Management Center at 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 18 1999

BUCKET FILE COPY ORIGINAL
CREDIT & DEBIT MANAGEMENT
CENTER, OMD

OFFICE OF
MANAGING DIRECTOR

86-285

Matthew J. Whitehead, II
Vice President & Executive Counsel
ARDIS
300 Knightsbridge Parkway
Lincolnshire, IL 60069

RE: Request for Refund and Waiver of Late
Charge Penalty
ARDIS Company.
Fee Control No. 9901088835161002
Fee Paid \$22,926.53
Late Charge Penalty Paid \$5,731.63

Dear Mr. Whitehead:

This is in response to the request for refund and waiver or reduction of the late charge penalty for late payment of the Fiscal Year (FY) 1998 regulatory fees, filed on behalf of ARDIS Company. We apologize for failing to respond to your request in a timely manner.

You request that we waive or reduce the late charge penalty for late payment of FY 1998 regulatory fees and grant ARDIS Company a refund of the late charge. You state that you request a refund of the late charge because you inadvertently miscalculated the fees and intended to pay the appropriate amount. ARDIS was assessed the 25% late charge, however, because it failed to pay its FY 1998 regulatory fees when due, not because the fee amount originally paid was incorrect.

Regulatory fees for FY 1998 were due by September 18, 1998. Your first payment was received on January 7, 1999. That payment consisted of a check for \$20,316.53, dated October 23, 1998. As you note, that payment was based on an incorrect calculation of the fees due. Subsequently, you submitted a check for \$2,610.00, to correct for the original miscalculation of fees, and a check for \$5,731.63, the amount of the 25% late charge penalty for failing to pay regulatory fees when due on September 18, 1998.


The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25% on any regulatory fee not paid in a timely manner. You have not submitted any evidence or explanation for your failure to pay the regulatory fee when due. Your request is therefore denied.

Matthew J. Whitehead, II

2.

If you have any questions concerning this letter, please call the Credit & Debt Management Center at 418-1995.

Sincerely,


Mark Reger,
Chief Financial Officer

99010 88835161002

ARDIS

February 2, 1999

Managing Director of the FCC
Federal Communications Commission
1919 M Street, N.W.
Room 852
Washington, DC 20554

Dear Sir:

This letter is to request a \$5,731.63 refund of a fine paid by AI in calculating the appropriate fee.

Attached please find:

- A copy of our original Form 159 which shows the correct and an incorrect calculation of the fee (which was submitted).
- Form 159 indicating the fine of \$5,731.63 which is 25% originally should have been submitted to the FCC.
- Form 159 showing the amount paid as being \$2,610.00, the difference between what we originally paid and what was due.

Our request for a refund results from the fact that my assistant, in calculating the appropriate fee, had a "finger check" in multiplying \$0.29 per terminal (the correct amount) by 70,057 instead of 79,057. Clearly, this resulted from a finger missing the appropriate key. Under these circumstances, we would hope that the Commission can waive this penalty, since our intent clearly, as demonstrated, has been to pay the appropriate fee.

Please also note, however, that we continue to pay our regulatory fee under protest, since we feel that it is inappropriate for ARDIS to be required to pay eight times the regulatory fee per user that our competitors are required to pay. The great majority of ARDIS business is two-way messaging. We strongly feel that regulatory parity requires a four-cents-per-user fee.

In any event, we request that the \$5,731.63 fine be eliminated or waived under these circumstances. Thank you in advance for any consideration given to this request.

Sincerely,


Matthew J. Whitehead, II
Vice President & Executive Counsel

MJW/iw
encls.

Donna
Original
- I gave you
letter + file w/
copy the
other day
Thanks,
Cathy

erical error

Rec'd 1/7/99

Rec'd 2/4/99

Rec'd 2/4/99

ASSOC. MGR. DIR.
FINANCIAL OPERATIONS
Feb 10 1 07 PM '99

Payment Transactions Detail Report

Date: 3/19/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9902058835241007	ARDIS COMPANY 300 KNIGHTSBRIDGE PARKWAY LINCOLNSHIRE IL 60069	WP00001184	0364022130	02/04/99							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,610.00	\$2,610.00	1	CPM8	1	KNDN330	ARDIS COMPANY	60069		\$2,610.00	1	PMT
\$2,610.00	\$2,610.00	3	CPM8	9000	KNDN330	ARDIS COMPANY	60069		\$2,610.00	1	PMT
\$2,610.00	\$2,610.00	2	CPM8	1	KNDN330	ARDIS COMPANY	60069		(\$2,610.00)	1	ADJ
Total	3								\$2,610.00		

Payment Transactions Detail Report

Date: 3/19/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9901088835161002	ARDIS COMPANY 300 KNIGHTSBRIDGE PARKWAY LINCOLNSHIRE IL 60069	FCC2045454		01/07/99							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$20,316.53	\$20,316.53	1	CPM8	79057	KNDN330	ARDIS COMPANY	60069		\$20,316.53	1	PMT
Total	1								\$20,316.53		

Payment Transactions Detail Report

Date: 3/19/99

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9902058835241008	ARDIS COMPANY 300 KNIGHTSBRIDGE PARKWAY LINCOLNSHIRE IL 60069	WP00001184	0364022130	02/04/99							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$5,731.63	\$5,731.63	1	FINE	79057		ARDIS COMPANY	60069		\$5,731.63	1	PMT
Total	1								\$5,731.63		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 7 1999

DOCKET FILE COPY ORIGINAL
CREDIT & DEBIT MAIL ROOM
CENTER, OMD

OFFICE OF
MANAGING DIRECTOR

Mr. James Huguenin
President
Bisbee Mountain Translator Assn.
735 N. Maple Apt. West
Colville, WA. 99114

86-285

Request for Waiver of Regulatory Fees

Dear Mr. Huguenin:

This is in response to your request for deferment and waiver of the Fiscal Year 1998 (FY 1998) regulatory fees for TV translator stations KO8HY, K10GJ, and K131Q licensed to Bisbee Mountain Translator Association. You maintain that the translator stations are dependent on subscriptions or contributions from members of the community; that the stations do not sell advertising; and that the stations are not licensed to or have common ownership with the licensee of a commercial broadcast station.

In implementing the regulatory fee program, the Commission stated that it would waive its regulatory fees for any translator station that:

- (1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support.

Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 16, released June 22, 1995.

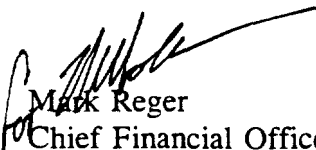
Bisbee's translator stations are not licensed to, and do not have common ownership with, any commercial broadcast stations. You also maintain that Bisbee does not sell advertising and that its stations are operated as a nonprofit community service. Under these circumstances, it appears that Bisbee has the type of translator operation for which the Commission proposed to grant relief from the regulatory fee obligation. Based on your representations, we will waive the regulatory fees for Bisbee's translator stations. The waiver shall remain in effect indefinitely, unless there is a substantial change in the ownership or financing of your translator operation. You should retain this letter, and a copy should be included in any correspondence with the Commission concerning the regulatory fees for your translator service.

Mr. Huguenin

2.

If you have any questions concerning the regulatory fees, please call the Credit & Debt Management Center at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

RECEIVED

000000 BcB - 98 - 113

August 19, 1998

Dec 3 11 13 AM '98

TO: FCC Federal Communications Commission

FEDS OF Regulatory Fees

P.O. Box 358835

Pittsburgh, PA 15251-5835

FCC/REGISTRATION

SEP 14 1998

SUBJECT: FY 1998 Mass Media Regulatory Fees.

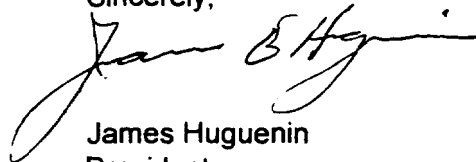
Reference: Television translator Licenses: K08HY, K10GJ, K13IQ.

Gentlemen:

The above translator stations are not required to pay regulatory fees as follows:

1. They are not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station.
2. Does not derive income from advertising.
3. Is dependent on subscriptions or contributions from the members of the community served for support. The community served by these translators is so small that any fees would result in the reduction of service to the community and would cause a financial hardship to the licensee.

Sincerely,



James Huguenin
President

Bisbee Mountain Translator Assn.
735 N. Maple Apt. West
Colville, WA. 99114
Tel: (509) 684-2029

dh:

FEDERAL COMMUNICATIONS COMMISSION ^{POCKET FILE COPY ORIGINAL}
Washington, D. C. 20554
SEP 16 1999

OFFICE OF
MANAGING DIRECTOR

86-285

Lee J. Peltzman, Esquire
Shainis & Peltzman, Chartered
1901 L Street, N.W.
Suite 290
Washington, D.C. 20036

Re: BK Radio
New FM Station
Wake Village, Texas
Fee Control # 9707028195387001

Dear Mr. Peltzman:


This is in response to your request for refund of the application fee filed on behalf of BK Radio ("BK"), former applicant for a new FM station at Wake Village, Texas.

You represent that BK "paid its application fee in anticipation that its application would be reviewed and . . . if found to be mutually exclusive, would be designated for hearing." You further represent that at the time it filed its application BK did not know that the Wake Village channel would be awarded through the competitive bidding procedures, and that when it became aware that the Commission adopted such procedures, it decided to dismiss its application pursuant to an universal settlement.

Under the circumstances, because BK timely disavowed any interest in participating in the auction and sought dismissal of its application, and further because BK's dismissal has been rendered final, refund of the filing fee is appropriate. *See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15957 (1998); *see also* 47 C.F.R. § 1.1113(a)(4).

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$2,470.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Credit & Debt Management Center at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

9707028/95387001

Shainis & Heltzman, Chartered

Counselors at Law

Suite 290

1901 L Street, N.W.
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

Aaron B. Shainis
Lee J. Heltzman

Of Counsel

William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

October 14, 1998

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554

Re: Request for Refund of Application Fee
BK Radio
Wake Village, Texas
BPH-970701ME

ASSOC. MNG. DIR.
FINANCIAL OPERATIONS
(MID-EO)
OCT 15 3 11 PM '98
RECEIVED

Dear Mr. Fishel:

This letter is submitted on behalf of BK Radio ("BK"), a former applicant for a new FM construction permit at Wake Village, Texas. By this letter, BK requests the refund of its application fee submitted to the Commission as part of that Wake Village, Texas application. A brief synopsis of the facts follows.

On July 1, 1997, BK filed its application for a new FM construction permit at Wake Village, Texas. A total of nine applications were received by the Commission. None of them was reviewed or accepted for filing. As part of BK's Wake Village filing, it paid a Two Thousand Four Hundred Seventy Dollar (\$2,470.00) filing fee to the Federal Communications Commission. See Attachment A. As noted, the application was not accepted for filing. Rather, on January 29, 1998, the nine applicants filed a Joint Request for Approval of Settlement Agreements with the Commission, contemplating the grant of the application of Houston Christian Broadcasting, Inc. ("Houston"). As part of the Joint Request, BK requested dismissal of its application. The Commission, on April 16, 1998, released a Public Notice which granted the Joint Request, dismissed BK's application, and granted the application of Houston. See Attachment B.

BK paid its application fee in anticipation that its application would be reviewed and granted, or, if found to be mutually exclusive, would be designated for hearing. BK did not file with knowledge that the Wake Village channel would be awarded by auction. When BK became aware that its application would not undergo a comparative hearing, it made the decision to dismiss its application as part of an overall settlement. Therefore, in light of the facts presented,

Shainis & Peltzman, Chartered

Mr. Andrew S. Fishel

October 14, 1998

Page Two

BK respectfully requests that the Commission refund its application fee in the amount of \$2,470.00.¹

If the Commission has any questions with respect to this request, kindly contact the undersigned.

Sincerely yours,


Lee J. Peltzman
Counsel for
BK Radio

Enclosures

¹ The Commission has noted that it will refund filing fees paid by applicants who do not participate in an auction, stating that such refunds are premised on the fact such applications were filed in anticipation of hearings which were not held. See Implementation of Section 309(j) of the Communications Act, FCC 98-194, released August 18, 1998 at paras. 101, 103. The same principle applies here as well. It should also be noted that BK filed its application in anticipation that the Commission would utilize the services of its personnel in reviewing that application. Since no review occurred here -- BK's application was never accepted for filing -- it is only fair and equitable that it be reimbursed its filing fee.

ATTACHMENT A

Shainis & Peltzman, Chartered

Counselors at Law

Suite 290

1901 I Street, N.W.

Washington, D.C. 20036

(202) 416-1633

Fax (202) 293-0810

Aaron H. Shainis

Lee J. Peltzman

Of Counsel

William H. DuRoss, III

Ruth S. Baker-Battist

July 1, 1997

Federal Communications Commission
Mass Media Services
P.O. Box 358195
Pittsburgh, Pennsylvania 15251-5195

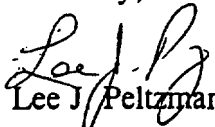
Re: BK Radio
Application for New FM Station
Wake Village, Texas
Channel 223A

Dear Sir/Madam:

Transmitted herewith, on behalf of BK Radio, is an Application for Construction Permit for a new FM station proposing to operate on Channel 223A at Wake Village, Texas. Attached hereto is a check in the amount of Two Thousand, Four Hundred Seventy Dollars (\$2,470.00) in payment of the required FCC filing fee.

If any questions arise with respect to this application, please contact the undersigned.

Sincerely,


Lee J. Peltzman
Counsel for
BK RADIO

Enclosure

A:\BKNEWFM.1

STAMP & RETURN

ATTACHMENT B



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

News media information 202/418-0500. Recorded listing of releases and texts 202/418-2222

NOTICE OF ACTION ON FM BROADCAST SETTLEMENT AGREEMENTS AND APPLICATIONS

Report No. 44221A

Released: 16 April 1998

We have received a Joint Petition for Approval of Settlement Agreement for each group of mutually exclusive applications for FM construction permits listed below ("Settlements"). These Settlements were filed pursuant to the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997) ("Balanced Budget Act").

All applicants have complied with the relevant requirements of the Communications Act of 1934, as amended. Further, each of the applications granted below either conforms to, or warrants a waiver of, any relevant Commission rules. See Balanced Budget Act; *Gonzales Broadcasting, Inc.*, 12 FCC Rcd 12253, 12555-56 (1997).

Accordingly, for each community of license listed below the Joint Petition for Approval of Settlement Agreement IS GRANTED and for:

SMITHS, AL

Cumulus Licensing Corp.'s application (original applicant - Smiths Broadcasting, LP) (File No. BPH-930301MG) IS GRANTED;

Smiths Station Broadcasting's application (File No. BPH-930301MH) IS DISMISSED;

Dan D. Greene's application (File No. BPH-930301MI) IS DISMISSED;

Cheryl Davis's application (File No. BPH-930301MF) IS DISMISSED;

Arthur C. & Margaret R. Angell's application (File No. BPH-930302MJ) IS DISMISSED;

Shirley A. Caswell's application (File No. BPH-930226MD) IS DISMISSED.

ATKINS, AR

KVOM, Inc.'s application (File No. BPH-950724MB) IS GRANTED;

Stephen A. Womack's application (File No. BPH-950724MF) IS DISMISSED.

EL DORADO, AR

Jerome Orr's application (File No. BPH-970116MA) IS GRANTED;

Three Guys Radio Partnership's application (File No. BPH-970115MA) IS DISMISSED.

HARRISBURG, AR

Mid-South Sing's application (File No. BPH-941215MC) IS GRANTED;

Bobby Caldwell's application (File No. BPH-41214MC) IS DISMISSED;

Todd P. Robinson's application (File No. BPH-941216MA) IS DISMISSED.

PARKER'S CROSSROADS, TN

Crossroads Broadcasting's application (File No. BPH-970204MA) IS GRANTED;
Forked Deer Broadcasting, Inc.'s application (File No. BPH-970206MD) IS DISMISSED.

BORGER, TX

Zia Broadcasting Company's application (File No. BPH-950213MC) IS GRANTED;
Romero Broadcasting's application (File No. BPH-950213MJ) IS DISMISSED.

GREGORY, TX

BK Radio's application (File No. BPH-951108MR) IS GRANTED;
Humberto L. Lopez d/b/a Wildcat B/casting's application (File No. BPH-951109ML) IS DISMISSED;
Gerald Benavides' application (File No. BPH-951018MA) IS DISMISSED;
Carl Como Tuter's application (File No. BPH-951107MA) IS DISMISSED;
Reding Broadcasting Co., Inc.'s application (File No. BPH-951108MM) IS DISMISSED.

WAKE VILLAGE, TX

Houston Christian Broadcasters, Inc.'s application (File No. BPED-970630MB) IS GRANTED;
George S. Flinn, Jr.'s application (File No. BPH-970702MJ) IS DISMISSED;
Texas Southern Broadcasting, LLC's application (File No. BPH-970702MK) IS DISMISSED;
RadioSunGroup of Texas, Inc.'s application (File No. BPH-970701MG) IS DISMISSED;
DBM Entertainment Enterprises, Inc.'s application (File No. BPH-970701MF) IS DISMISSED;
BK Radio's application (File No. BPH-970701ME) IS DISMISSED;
Phillip W. O'Bryan's application (File No. BPH-970630MD) IS DISMISSED;
Altus Educ. B/casting Foundation's application (File No. BPED-970625MA) IS DISMISSED;
OARA, Inc.'s application (File No. BPH-970623MD) IS DISMISSED.

JONESVILLE, VA

Regina Kay Moore's application (File No. BPH-960126MA) IS GRANTED;
Holston Valley B/casting Corp.'s application (File No. BPH-960125MC) IS DISMISSED.

SHELTON, WA

Premier Broadcasters, Inc.'s application (File No. BPH-960708MA) IS GRANTED;
Sound Broadcasting, Inc.'s application (File No. BPH-960703MH) IS DISMISSED;
Cherrie P. Reitsch's application (File No. BPH-960708MB) IS DISMISSED.

BARRON, WI

Northwoods Broadcasting, Inc.'s application (original applicant - TKC, Inc.)
(File No. BPH-970221MF) IS GRANTED;
Marigen E. Anderson's application (File No. BPH-970220ME) IS DISMISSED;
Thomas F. Beschta's application (File No. BPH-970220MF) IS DISMISSED.

SIREN, WI

Casey Communications, Inc.'s application (original applicant - Marigen E. Anderson)
(File No. BPH-970319MF) IS GRANTED;
Alan R. Quarnstorm's application (File No. BPH-970325MD) IS DISMISSED;
Charles R. Lutz's application (File No. BPH-970326MT) IS DISMISSED;
Lightwood Broadcasting Company's application (File No. BPH-970326MU) IS DISMISSED.

SALEM, WV

West Virginia Radio Corporation of Salem's application (File No. BPH-960228MC) IS GRANTED;
Salem-Teikyo University Comm., Inc.'s application (File No. BPED-960229MC) IS DISMISSED.

Note to file:

Ref: FCN 9602238195059002

According to James Crutchfield in the Mass Media Bureau, BK Radio is NOT entitled to a refund of their application fee submitted in connection with an application for a new FM station in Wake Village, TX.

Tom Putnam

11/25/1998

Payment Transactions Detail Report

Date: 09/03/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9707028195387001	BK RADIO 1809 LIGHTSEY RD AUSTIN TX 78704	FCC2035448		7/01/1997 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,470.00	\$2,470.00	1	MTR	1	BK RADIO		78704		\$2,470.00	1	PMT
Total	1								\$2,470.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 16 1999

OFFICE OF
MANAGING DIRECTOR

John S. Neely, Esquire
Miller & Miller, P.C.
P.O. Box 33003
Washington, D.C. 20033

Re: Request for Waiver and Refund of Regulatory Fee

Dear Mr. Neely:

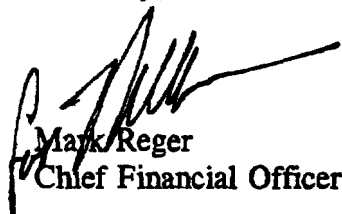
This is in response to the petition for waiver of the Fiscal Year 1998 (FY 1998) regulatory fee, that you filed on behalf of M. Jerome Hughey for WIZK(AM), Bay Springs, Mississippi. You request a waiver, asserting that WIZK is currently dark. You, also state that WIZK(AM) is a class D station instead of a class B station.

In Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 15, released June 22, 1995, the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it would therefore, waive the fee requirement for stations which have ceased operation.

Thus, because WIZK(AM) was dark when payment of the fee was due, your request is granted, and the FY 1998 regulatory for WIZK is waived. FCC records show that WIZK went dark on March 31, 1998 and resumed service on March 25, 1999. However, because WIZK has resumed operation, the waiver is limited to the FY 1998 regulatory fee.

Also, the FCC Records of the Mass Media Bureau identify WIZK as a class D station and the correct fee should have been \$250 instead of \$300. Accordingly, a check made payable to the maker of the original check, and drawn in the amount of \$300 will be sent to you at the earliest practical time. If you have any questions concerning the refund, please call the Credit & Debt Management Center at 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer

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SEP 11 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In re Application of)

M. JEROME HUGHEY)

WIZK(AM) Bay Springs, Mississippi)
Assessment and Collection of)
Annual Regulatory Fees for the)
1998 Fiscal Year.)

ORIGINAL

To: The Managing Director

PETITION FOR WAIVER OF FISCAL YEAR 1998 REGULATORY FEE

M. Jerome Hughey, licensee of station WIZK(AM) Bay Springs, Mississippi, by counsel, hereby petitions for a waiver of the Fiscal Year 1998 annual regulatory fee assessed for station WIZK(AM) pursuant to §1.1117 of the Commission's rules.

WIZK is a class D AM station with no licensed nighttime power.¹ A waiver is requested because WIZK is currently dark. A request for Special Temporary Authority to remain silent was filed with the Commission on April 30, 1998. While an application for assignment of license is pending in File No. BAL-980814GJ, to a party who has promised to resume station operations, the pending application has not yet been processed and it is not clear when, or whether, the conditions for closing

¹ The "Schedule of AM/FM Regulatory Fees" issued as part of the Commission's Public Notice No. 84557, released August 3, 1998, states that WIZK(AM) is a Class B facility owing a \$300 fee. This is incorrect. As a Class D station with no licensed nighttime power, WIZK(AM) owes a \$250 regulatory fee for FY1998. The Commission's regulatory fee coordinator has advised counsel that there were a number of errors of this type appearing in the fee schedule. The licensee has submitted the full \$300 and a completed Form 159 herewith. However, should a fee waiver be denied, the Commission is requested at a minimum to reimburse the \$50 overcharge.

will be satisfied.

Because the station is silent there is no income stream from which the regulatory fee can be paid. The Commission has held in the past that it will grant petitions for regulatory fee waivers on grounds of financial hardship from a licensee of broadcast station which is dark. Further, when a station is dark, it generally is either without, or with greatly reduced, revenue. Thus, the Commission has held that it is unnecessary for a licensee to make a further showing of financial hardship. See e.g., Letter to Peter Tannenwald, Esquire, dated June 4, 1996, copy attached.

In light of the Commission's rulings and the fact that WIZK is silent, a waiver of the FY98 regulatory fee due during the week of September 14, 1998, is hereby requested.

Respectfully Submitted,

M. JEROME HUGHEY

By

John S. Neely
His Attorney

September 10, 1998

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033

[Handwritten signature]

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUN 4 1996

DOCKET FILE COPY DUPLICATE

Peter Tannenwald, Esquire
Irwin, Campbell & Tannenwald
1320 Eighteenth Street, N.W.
Washington, DC 20036-1811

Re: Petition for Waiver of Regulatory Fee
KMDX-FM99, Inc.

Dear Mr. Tannenwald:

This is in response to the petition for waiver of the Fiscal Year 1995 (FY 1995) regulatory fee, which was payable on September 20, 1995, that you filed on behalf of KMDX-FM99, Inc., licensee of FM Radio Station KMDX, Parker, Arizona. You have represented that KMDX has been dark and non-operational since 1989.

KMDX has been silent pursuant to grants of temporary authority from the Commission. In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 ¶ 15 (1995), the Commission, noting that dark, non-operational stations are generally either without or with greatly reduced revenues and that imposition of a regulatory fee could be an impediment to the restoration of service, held that the regulatory fee would be waived for stations which have ceased operations.

Accordingly, your request is granted. The FY 1995 regulatory fee for KMDX-FM99, Inc., as licensee of FM Radio Station KMDX, is waived. The waiver shall remain in effect until the station is reactivated.

If you have any questions concerning the waiver, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

[Handwritten signature: Thomas M. Haller]
Marilyn J. McDermott
Associate Managing Director
for Operations

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9810268835018001	HUGHEY, M JEROME PO BOX 548	FCC2055098	10/23/98

BAY SPRINGS MS 39422

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$300.00	\$300.00	1	MBA8	1	WIZKAM	HUGHEY, M JEROME	39422		\$300.00	1	PMT
Total	1								\$300.00		